

FISCAL NOTE

Bill #: HB0510

Title: Eliminate incarceration for drug possession

Primary Sponsor: Clark, P

Status: As Introduced

Sponsor signature _____ Date _____

Chuck Swysgood, Budget Director _____ Date _____

Fiscal Summary

	<u>FY 2004 Difference</u>	<u>FY 2005 Difference</u>
Expenditures:		
General Fund	\$0	\$0
Revenue:		
General Fund	\$0	\$0
Net Impact on General Fund Balance:	\$0	\$0

- | | |
|---|--|
| <input type="checkbox"/> Significant Local Gov. Impact | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts |
| <input type="checkbox"/> Dedicated Revenue Form Attached | <input type="checkbox"/> Needs to be included in HB 2 |

Fiscal Analysis

ASSUMPTIONS:

Department of Corrections

1. From FY 1993 through FY 2002, there were 2,914 convictions for possession of drugs. Of these offenders, 81 percent received a deferred or suspended sentence
2. A deferred or suspended sentence for possession of drugs would normally fall under regular supervision standards of probation and parole, at a cost of \$4.04 per day.
3. Felony offenders under house arrest would be supervised by the Department of Corrections. House arrest, as defined in statute, implies a level of supervision higher than regular supervision. Electronic monitoring equipment would cost an additional \$3.38 per offender per day above the \$4.04 currently incurred.
4. Nineteen percent of offenders receive either a partial prison sentence with time suspended or a full prison sentence with no time suspended.
5. Only rarely does this conviction by itself receive a prison sentence. Incarceration for this offense is usually in conjunction with other simultaneous convictions (theft, assault, etc.). In cases where possession of drugs is the only offense receiving prison time, it is most likely a plea agreement down from a more serious charge (intent to sell).
6. The department has no data allowing prediction of judicial sentencing patterns, which would result from a conviction under this bill.
7. The department cannot estimate the additional general fund costs or savings.

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(continued)

Department of Public Health and Human Services

8. As HB 510 does not change current statutes regarding placements at Montana Chemical Dependency Center, it is assumed that there will not be increased placements to MCDC.
9. DPHHS currently has the authority to bill clients at MCDC based on their ability to pay. The DPHHS reimbursement unit provides this service and deposits the funds in the earmarked alcohol account (02034). Because the department is already doing this, it is assumed that there will be no additional collections from this bill.